

**405 IAC 1-12-12 Allowable costs; capital return factor**

**Authority:** IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2

**Affected:** IC 12-13-7-3; IC 12-15

**Sec. 12. (a)** Providers shall be reimbursed for the use of facilities and equipment, regardless of whether they are owned or leased, by means of a capital return factor. The capital return factor shall be composed of a use fee to cover the use of facilities, land and equipment, and a return on equity. Such reimbursement shall be in lieu of the costs of all depreciation, interest, lease, rent, or other consideration paid for the use of property. This includes all central office facilities and equipment whose patient or resident care-related depreciation, interest, or lease expense is allocated to the facility.

**(b)** The capital return factor portion of the established rate is the sum of the allowed use fee, return on equity, and rent payments.

**(c)** Allowable patient or resident care-related rent, lease payments, and fair rental value of property used through contractual arrangement shall be subjected to limitations of the capital return factor as described in this section. (*Office of the Secretary of Family and Social Services; 405 IAC 1-12-12*)

**405 IAC 1-12-13 Allowable cost; capital return factor; computation of use fee component; interest; allocation of loan to facilities and parties**

**Authority:** IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2

**Affected:** IC 12-13-7-3; IC 12-15

**Sec. 13. (a)** The use fee limitation is based on the following:

- (1)** The assumption that facilities and equipment are prudently acquired and financed.
- (2)** Providers will obtain independent financing in accordance with a sound financial plan.
- (3)** Owner capital will be used for the balance of capital requirements.

TN 94-007  
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(b) The amortization period to be used in computing the use fee shall be the greater of twenty (20) years or the actual amortization period for the facility and for facilities and equipment where a single lending arrangement covers both. Where equipment is specifically financed by means of a separate lending arrangement, a minimum of seven (7) years shall be the amortization period. Provided, however, that a mortgage existing on April 1, 1983, has a fully amortizing life of less than twenty (20) years, the use fee will be calculated using the actual life of the lending arrangement, but not less than twelve (12) years.

(c) The use fee component of the capital return factor shall be limited by the lesser of:

(1) the original loan balance at the time of acquisition;

(2) eighty percent (80%) of historical cost of the facilities and equipment; or

(3) eighty percent (80%) of the maximum allowable property basis at the time of the acquisition plus one-half (1/2) of the difference between that amount and the maximum property basis per bed on the rate effective date.

(d) The maximum interest rate allowed in computing the use fee shall not exceed one and one-half percent (1.5%) above the average yield to maturity of the Federal National Mortgage Association (Fannie Mae), Multi-Family Rate rounded to the nearest one-half percent (0.5%) or the actual interest rate, whichever is lower. For property financing with a fixed interest rate, the date that the financing commitment was signed by the lender and borrower shall be the date upon which the allowable rate shall be determined. For property financing with a variable interest rate, the allowable interest rate shall be determined each year at the provider's report year end.

(e) The use fee determined under this section shall be subject to the limitations under section 15(b) of this rule.

(f) Refinancing of mortgages shall be amortized over the amortization period of the refinancing; however, the amortization period for the refinanced mortgage shall not be less than twenty (20) years. Refinancing arrangements shall be recognized only when the interest rate is less than the original financing,

TN 94-007

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and the interest rate on the refinancing shall not be allowable in excess of the interest rate limit established on the date the refinancing commitment was signed and the interest rate fixed by the lender and borrower.

(g) Variable interest debt will be recognized for the purpose of calculation of the use fee if the variable rate is a function of an arrangement entered into and incorporated in the lending arrangement at the time of the acquisition of the facility or as part of an allowable refinancing arrangement under subsection (f).

(h) Interest costs on borrowed funds used to construct facilities or enlarge existing facilities which are incurred during the period of construction shall be capitalized as part of the cost of the facility or addition.

(i) Interest costs on operating loans each reporting period shall be limited to interest costs of principal amounts that do not exceed a value equal to two (2) months of actual revenues. Interest on such loans shall be recognized only if the provider can demonstrate that such loans were reasonable and necessary in providing patient or resident related services. Working capital interest must be reduced by investment income. Working capital interest is an operating cost and will not be included in calculating the use fee.

(j) Loans covering more than one (1) facility or asset shall apply to the several facilities or assets acquired in proportion to the cost that each item bears to the total cost. Accordingly, if any building or asset covered by the loan is used for purposes other than patient or resident care, the use fee applicable to such assets will be determined based upon its proportionate share of the total asset cost.

(k) Loans from a related party must be identified and reported separately on the annual or historical financial report. Such loans shall be allowable if they meet all other requirements, the interest does not exceed the rate available in the open market, and such loans are repaid in accordance with an established repayment schedule.

(l) Use fee for variable interest rate mortgages will be calculated as follows:

(1) Recalculate the use fee for the reporting year based upon the provider's average actual rate of interest paid.

TN 94-007  
Supersedes:  
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- (2) Compare the use fee allowed in the reporting year and the recalculated use fee and determine the variance (amount by which the amount allowed in the prior rate case exceeded or was less than the amount earned under the recalculation in subdivision (1)).
- (3) Calculate the prospective use fee based upon the interest rate in effect at the end of the provider's reporting year.
- (4) The use fee on the prospective rate is the amount determined in subdivision (3) plus or minus the variance in subdivision (2).

*(Office of the Secretary of Family and Social Services; 405 IAC 1-12-13)*

**405 IAC 1-12-14 Allowable costs; capital return factor; computation of return on equity component**

**Authority:** IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2

**Affected:** IC 12-13-7-3; IC 12-15

**Sec. 14. (a) For a provider with an initial interim rate resulting from:**

- (1) a change of provider status; or
- (2) a new operation;

before the effective date of this rule, the return on equity shall be computed on the higher of twenty percent (20%) of the allowable historical cost of facilities and equipment or actual equity in allowable facilities and equipment up to sixty percent (60%) of allowable historical cost of facilities and equipment. Allowable historical cost of facilities and equipment is the lesser of the provider's actual historical costs of facilities and equipment, or the maximum allowable property basis at the time of the acquisition plus one-half (1/2) of the difference between that amount and the maximum allowable property basis per bed on the rate effective date.

**(b) For a provider with an initial interim rate resulting from:**

- (1) a change of provider status; or
- (2) a new operation;

TN 94-007  
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on or after the effective date of this rule, the return on equity shall be computed on the actual equity in allowable facilities and equipment up to a maximum of eighty percent (80%) of allowable historical cost of facilities and equipment.

(c) The return on equity factor shall be equal to the interest rate used in computing the use fee plus one percent (1%), or one percent (1%) below the average yield to maturity on the last day of the reporting period, of the Federal National Mortgage Association Multi-Family rate, whichever is higher.

(d) The return on equity determined under this section shall be subject to the limitations of section 15(b) of this rule. (*Office of the Secretary of Family and Social Services; 405 IAC 1-12-14*)

**405 IAC 1-12-15 Allowable costs; capital return factor; use fee; depreciable life; property basis**

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2

Affected: IC 12-13-7-3; IC 12-15

Sec. 15. (a) The following is a schedule of allowable use fee lives by property category:

Property Basis	Use Fee Life
Land	20 years
Land improvements	20 years
Buildings and building components	20 years
Building improvements	20 years
Movable equipment	7 years
Vehicles	7 years

The maximum property basis per bed at the time of acquisition shall be in accordance with the following schedule:

TN 94-007  
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## Acquisition Maximum Property

Date	Basis Per Bed
7/1/76	\$12,650
4/1/77	\$13,255
10/1/77	\$13,695
4/1/78	\$14,080
10/1/78	\$14,630
4/1/79	\$15,290
10/1/79	\$16,115
4/1/80	\$16,610
10/1/80	\$17,490
4/1/81	\$18,370
10/1/81	\$19,140
4/1/82	\$19,690
9/1/82	\$20,000
3/1/83	\$20,100
9/1/83	\$20,600
3/1/84	\$20,600
9/1/84	\$21,200
3/1/85	\$21,200
9/1/85	\$21,200
3/1/86	\$21,400
9/1/86	\$21,500

TN 94-007  
Supersedes:  
NoneApproval Date 2/13/95 Effective 7/1/94

3/1/87	\$21,900
9/1/87	\$22,400
3/1/88	\$22,600
9/1/88	\$23,000
3/1/89	\$23,100
9/1/89	\$23,300
3/1/90	\$23,600
9/1/90	\$23,900
3/1/91	\$24,500
9/1/91	\$24,700
3/1/92	\$24,900
9/1/92	\$25,300
3/1/93	\$25,400
9/1/93	\$25,700

The schedule shall be updated semiannually effective on March 1 and September 1 by the office and rounded to the nearest one hundred dollars (\$100) based on the change in the R.S. Means Construction Index.

(b) The capital return factor portion of a rate that becomes effective after the acquisition date of an asset shall be limited to the maximum capital return factor which shall be calculated as follows:

(1) The use fee portion of the maximum capital return factor is calculated based on:

(A) the maximum property basis per bed at the time of acquisition of each bed, plus one-half (1/2) of the difference between that amount and the maximum property basis per bed at the rate effective date;

(B) the term is determined per bed at the time of acquisition of each bed and is twenty (20)

TN 94-007  
Supersedes:  
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Approval Date 2/13/95 Effective 7/1/94

years for beds acquired on or after April 1, 1983, and twelve (12) years for beds acquired before April 1, 1983; and

(C) the allowable interest rate per bed is the Federal National Mortgage Association (Fannie Mae), Multi-Family rate rounded to the nearest one-half percent (0.5%) plus one and one-half percent (1.5%) at the earlier of the acquisition date of the beds or the commitment date of the attendant permanent financing.

(2) The equity portion of the maximum capital return factor is calculated based on:

(A) the allowable equity as established under section 14 of this rule; and

(B) the rate of return on equity is the greater of the Federal National Mortgage Association (Fannie Mae), Multi-Family Rate rounded to the nearest one-half percent (0.5%) on the last day of the reporting period minus one percent (1%), or the weighted average of the Federal National Mortgage Association (Fannie Mae), Multi-Family Rate rounded to the nearest one-half percent (0.5%) plus one percent (1%) at the earlier of the acquisition date of the beds or the commitment date of the attendant permanent financing.

(c) For facilities with a change of provider status, the allowable capital return factor of the buyer/lessee shall be no greater than the capital return factor that the seller/lessor would have received on the date of the transaction, increased by one-half (1/2) of the percentage increase (as measured from the date of acquisition/lease commitment date by the seller/lessor to the date of the change in provider status) in the Consumer Price Index for All Urban Consumers (CPI-U) (United States city average). Any additional allowed capital expenditures incurred by the buyer/lessee shall be treated in the same manner as if the seller/lessor had incurred the additional capital expenditures.

(d) The following costs which are attributable to the negotiation or settlement of the sale or purchase of any capital asset (by acquisition or merger) for which any payment has been previously made under the Indiana Medicaid program shall not be recognized as an allowable cost:

TN 94-007

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Approval Date 5/13/95 Effective 7/1/94



- (1) Legal fees.
- (2) Accounting and administrative costs.
- (3) Travel costs.
- (4) The costs of feasibility studies.

*(Office of the Secretary of Family and Social Services; 405 IAC 1-12-15)*

**405 IAC 1-12-16 Capital return factor; basis; historical cost; mandatory record keeping; valuation**

**Authority:** IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2

**Affected:** IC 12-13-7-3; IC 12-15

**Sec. 16. (a) The basis used in computing the capital return factor shall be the historical cost of all assets used to deliver patient or resident related services, provided the following:**

- (1) They are in use.
- (2) They are identifiable to patient or resident care.
- (3) They are available for physical inspection.
- (4) They are recorded in provider records.

**If an asset does not meet all of the requirements prescribed in this section, the cost shall not be included in computing the capital return factor.**

**(b) The provider shall maintain detailed property schedules to provide a permanent record of all historical costs and balances of facilities and equipment. Summaries of such schedules shall be submitted with each annual or historical financial report, and the complete schedule shall be submitted to the office upon request.**

**(c) Assets used in computing the capital return factor shall include only items currently used in providing services customarily provided to patients or residents.**

**(d) When an asset is acquired by trading one (1) asset for another, or a betterment or improvement**

TN 94-007  
Supersedes:  
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Approval Date 2/13/95 Effective 7/1/94

is acquired, the cost of the newly acquired asset, betterment, or improvement shall be added to the appropriate property category. All of the historical cost of the traded asset or replaced betterment or improvement shall be removed from the property category in which it was included.

(e) If a single asset or collection of like assets acquired in quantity, including permanent betterment or improvements, has at the time of acquisition an estimated useful life of at least three (3) years and a historical cost of at least five hundred dollars (\$500), the cost shall be included in the property basis for the approved useful life of the asset. Items that do not qualify under this subsection shall be expensed in the year acquired.

(f) The property basis of donated assets, except for donations between providers or related parties, shall be the fair market value defined as the price a prudent buyer would pay a seller in an arms-length sale, or if over two thousand dollars (\$2,000), the appraised value, whichever is lower. An asset is considered donated when the provider acquires the asset without making any payment for it in the form of cash, property, or services. If the provider and the donor are related parties, the net book value of the asset to the donor shall be the basis, not to exceed fair market value. Cash donations shall be treated as revenue items and not as offsets to expense accounts. (*Office of the Secretary of Family and Social Services; 405 IAC 1-12-16*)

405 IAC 1-12-17 Capital return factor; basis; sale or capital lease of facility; valuation; sale or lease among family members

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2

Affected: IC 12-13-7-3; IC 12-15

Sec. 17. (a) If a facility is sold or leased within eight (8) years of the seller's or lessor's acquisition date and this transaction is recognized as a change of provider status, the buyer's or lessee's property basis in facilities and equipment shall be the seller's or lessor's historical cost basis plus one percent (1%) of the

TN 94-007

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